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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
(DIVISION BENCH)

CORAM : **Hon'ble Shri S.R. Nayak, CJ**
Hon'ble Shri Satish K. Agnihotri, J.

Misc. Appeal No.1005 OF 2005

APPELLANTS CLAIMANTS

1. Devki Verma W/o Vyas Narayan Verma
   Aged about 35 years
2. Ku. Jyoti Verma D/o Vyas Narayan Verma
   Aged about 15 years
3. Dukhiya Bai W/o Jailal Verma
   Aged about 65 years
   Appellant no. 2 represented by leagl guardian appellant no. 1. All are R/o. Shanti Nagar Kumhari, Distt-Durg (C.G.), present add. Abhanpur, P.S. Abhanpur, Distt. Raipur (C.G.)

Versus

RESPONDENTS NON-APPLICANTS

1. Dinesh Kumar S/o Suraj Bhan Sahu
   Permanent add. Dandesara, P.O. Kurud, Distt. Dhamtari, P.A. Through Ramkumar S/o Ashwani Kumar Chandrakar, Vill. Chhati, Distt. Dhamtari (C.G.)
2. Ramkumar S/o Ashwani Kumar
   Chandrakar, Vill. Chhati
   Distt. Dhamtari (C.G.)
3. The Oriental Insurance Company Ltd.
   Through Divisional Manager (D.O.-1)
   The Oriental Insurance Co. Ltd.
   Jail Road Raipur, Distt. Raipur (C.G.)

Present:

Mr. S.C.Verma, learned counsel for the appellants.

Mr. Vinay Harit, learned Sr. counsel with Shri Narayan Shrivastava, learned counsel for the respondent No.3.

ORAL ORDER
(Passed on 20th of December 2005)

The following order of the court was passed by

S.R. Nayak, CJ.

The dependents of the deceased have filed this appeal for more compensation. The contention of learned counsel for the appellants is

that the age of the deceased as per post-mortem report was 40 years and therefore, the MACT ought to have applied multiplier 16 instead of multiplier 15 for the purpose of assessing the loss of dependency. It was also contended by learned counsel for the appellants that the compensation awarded under the conventional heads, such as, loss of consortium, loss of dependency and funeral expenses is on lower side. It was also contended that the MACT is not justified in not awarding any compensation towards loss of love and affection, particularly because, the deceased has left behind him a minor female child. We find considerable force in the contentions of the learned counsel for the appellants.

(2). Amongst the pieces of evidence that were produced before the MACT with regard to the age of the deceased, the only acceptable piece of evidence is the post-mortem report as per which the age of the deceased is shown as 40 years. If the age of the deceased was 40 as on the date of the accident, appropriate multiplier to be applied for assessment of loss of dependency is 16 and not 15. If we apply multiplier 16, total loss of dependency would come to Rs.4,07,808/-. We accordingly award a sum of Rs.4,07,808/- towards loss of dependency as against Rs.3,82,320/- awarded by the MACT. As quite often held and reiterated by us in recent Judgments that even compensation payable under the conventional heads should reflect the point of time and place of the accident and it cannot not be static for all the times, particularly, having regard to the drastic steep fall in the money value. In that view of the matter, we award Rs.20,000/- towards loss of consortium, Rs.20,000/- towards loss of estate, Rs.20,000/- towards loss of love and affection to the minor female child and Rs.5,000/- towards funeral expenses.

(3) In the result and for the foregoing reasons, we allow the appeal in part and award total compensation of Rs.4,72,808/- under the following heads :

Loss of dependency	-	Rs.4,07,808/-
Loss of consortium	-	Rs. 20,000/-
Loss of estate	-	Rs. 20,000/-
Loss of love and affection	-	Rs. 20,000/-
Funeral expenses	-	Rs. 5,000/-
Total	-	Rs.4,72,808

with interest @ 7% per annum from the date of the claim petition till payment. The Insurance Company shall deposit the balance compensation money within six weeks from today before the MACT. On such deposit being made, the MACT shall disburse/invest the compensation money in the same proportions as specified by it in the impugned award. In the facts and circumstance of the case, the parties shall bear their respective costs in this appeal.

Sd/-
Chief Justice

Sd/-
SATISH K. AGNIHOTRI
Judge

Subbu